

FOLGER LEVIN & KAHN LLP
Michael A. Kahn (CSB No. 57432, mkahn@flk.com)
Joel D. Smith (CSB No. 244902, jsmith@flk.com)
Embarcadero Center West
275 Battery Street, 23rd Floor
San Francisco, CA 94111
Telephone: (415) 986-2800
Facsimile: (415) 986-2827

Attorneys for Plaintiff
Douglas Keane

Christopher J. Keane (CSB No. 194848, ckeane@keanelaw.com)
530 Jackson Street, Second Floor
San Francisco, CA 94133
Telephone: (415) 398-2777
Fax: (415) 520-2282

Attorneys for Plaintiff
Douglas Keane

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DOUGLAS KEANE,

Plaintiff,

v.

ATLAS HOSPITALITY GROUP,
HEDMARK VIII, LLC and WESTLAND
FINANCIAL III, LLC and JUSTIN B.
MYERS.

Defendants.

Case No. C 07-06074 EMC

**DECLARATION OF JOEL D. SMITH IN
SUPPORT OF PLAINTIFF DOUGLAS
KEANE'S MOTION TO REMAND FOR LACK
OF SUBJECT MATTER JURISDICTION.**

Date: March 12, 2008

Time: 10:30 a.m.

Place: Courtroom C, 15th floor

Judge: Hon. Edward M. Chen

I, Joel D. Smith, declare as follows:

I am an attorney with the law firm of Folger Levin & Kahn LLP, attorneys of record for plaintiff and cross-defendant Douglas Keane in this case. I have personal knowledge of the matters set forth below, and if called upon to testify to these matters, I could and would do so competently.

1 1. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiff Douglas
2 Keane's Complaint, filed in this matter on October 22, 2007.

3 2. Attached hereto as Exhibit 2 is a true and correct copy of Defendant Atlas
4 Hospitality Group's Answer, filed in this matter on December 5, 2007.

5 3. Attached hereto as Exhibit 3 is a true and correct copy of Defendants Hedmark
6 VIII's and Westland Financial III's Answer and Counterclaims, filed in this matter on December
7 5, 2007.

8 4. Attached hereto as Exhibit 4 is a true and correct copy of the Defendants Hedmark
9 VIII's and Westland Financial III's Notice of Removal of Action Under 28 U.S.C. § 1441(b),
10 filed in this matter on November 30, 2007.

11 I declare under penalty of perjury under the laws of the State of California and the United
12 States that the foregoing is true and correct.

13 Executed at San Francisco, California, this 4th day of February, 2008.

14 Dated: February 4, 2008

FOLGER LEVIN & KAHN LLP

/s/

Joel D. Smith
Attorneys for Plaintiff and Cross-Defendant
Douglas Keane

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